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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,382	07/03/2001	Christopher Scott Worley	10005375-1	2749

7590

02/26/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 85027-2400

EXAMINER

FOSTER, ROLAND G

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 02/26/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/899,382

Applicant(s)

WORLEY ET AL.

Examiner

Roland G. Foster

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/3/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,018,671 to Bremer (Hereafter "Bremer").

With respect to claim 1, see the following paragraphs for details on how Bremer discloses particular limitations within the claim.

The limitation "a memory...capable of storing multiple personalized vocal responses and a written synopsis of each stored personalized vocal response" reads on Bremer as follows. Memory 126 stores prerecorded voice reply messages (Fig. 1 and col. 2, lines 25-40). The voice reply messages provide personalized vocal responses to the incoming call (col. 3, line 60 – col. 4, line 21). The reply messages are also graphically displayed on display 116 enabling the user to select the appropriate message. Id. Therefore, the display provides a graphical or written synopsis of the corresponding voice replay message sufficient to allow the user to select the appropriate reply message.

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The limitation "a store/playback device...capable of storing the personalized vocal responses in memory" reads on Fig. 1, answering circuit 128. An "answering circuit" as defined by Bremer also permits storing of the recorded message into memory (col. 1, lines 30-39).

The limitation "a system control circuit...capable of communication with the voice communication device, has capability to select...vocal response...in reply to a playback command initiated by a user, and has capability to playback..." reads on Bremer as follows. The controller 110 (Fig. 1) controls the selection and playback processes performed by the answering circuit 128 (store/playback device) and memory 126 as discussed above. The playback is in reply to playback commands initiated via key set 118 (Fig. 1 and col. 3, line 60 – col. 4, line 21).

Claim 16 differs substantively from claim 1 in that claim 16 is directed to a method that performs steps equivalent to the functions performed by the apparatus of claim 1. Therefore, see the claim 1 rejection for additional details. Further, see the method illustrated in Fig. 4.

With respect to claim 2, see Fig. 1, display 116 and the claim 1 rejection for further details.

With respect to claims 3 and 17, the answering circuit permits recording the message (col. 1, line 30-38).

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With respect to claims 4 and 18, the user enters the silent answer 119 (col. 3, lines 40-60) and in response the message is displayed in order to the user to review which message to select (col. 3, line 61 – col. 4, line 21).

With respect to claims 5, 6, 19, and 21, see the claim 1 rejection for further details where the user initiates playback by pressing a key on key set 118 (part of telephone) which is then processed by the controller 110.

With respect to claims 7-12 and 20, 22, and 23, the playback device is a cellular telephone 102 (Figs. 1 and 3). See the claim 1 rejection for further details.

With respect to claims 13 and 24, the messages are received (whether stored or playback on answering circuit 128) via wireless telephone 102 (Fig. 1).

With respect to claims 14, 15, 25, and 26, see the claim 1 rejection for further details where the user commands the controller 110 to initiate playback (i.e., adjusts the system control circuit) by actuating a key on key set 118.

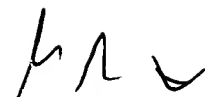
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9309.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.



Roland G. Foster
Primary Patent Examiner
February 23, 2004